

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMPLOYEE PAINTERS' TRUST et al.,
Plaintiff(s),

V.

LORN COATINGS LLC et al.,
Defendant(s).

CASE NO. MC24-00042-KKE

ORDER DENYING PLAINTIFFS' *EX PARTE* MOTION FOR ENTRY OF JUDGMENT BY CONFESSION AND DISMISSING CASE

Pending before the Court is Plaintiffs' *ex parte* motion for entry of judgment by confession.

Dkt. No. 1. On September 5, 2024, this Court issued an order to show cause directing Plaintiffs to provide a basis for this Court’s jurisdiction and sufficient evidence that Plaintiffs’ *ex parte* motion comported with due process. Dkt. No. 2. Plaintiffs responded on September 19, 2024, indicating that the basis for jurisdiction was that the motion for entry of judgment arose from a prior ERISA action litigated in this district before U.S. District Judge Tana Lin. Dkt. No. 4 at 3. As to due process, Plaintiffs contend that in the prior action proceeding before Judge Lin, Defendants were represented by counsel throughout the litigation and during the settlement process. *See Employee Painters’ Trust et al. v. Lorn Coatings LLC et al.*, No. 2:23-cv-00022-TL (W.D. Wash.). In the prior action, the parties reached a settlement agreement and stipulated to dismiss. *Id.*, Dkt. No. 24. Judge Lin then issued an order dismissing the case without prejudice and “retain[ing] jurisdiction to enforce the terms of the Settlement agreement between the Plaintiffs and Defendants.” *Id.*, Dkt.

1 No. 25. In their response to this Court's order to show cause in the present case, Plaintiffs indicated
2 a willingness to refile their motion in the prior action. Dkt. No. 4 at 4.

3 Because Judge Lin retained jurisdiction to enforce the settlement agreement in the prior
4 action, the motion to enforce is not appropriately brought as a separate miscellaneous case here.
5 Accordingly, in light of the above, this Court DENIES without prejudice Plaintiffs' *ex parte*
6 motion for entry of judgment by confession (Dkt. No. 1) and furthermore DISMISSES this case
7 without prejudice.

8 The Court directs the clerk to close the case.

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10 Dated this 24th day of September, 2024.

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13 Kymberly K. Evanson
14 United States District Judge
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